

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF APPLICATION A-18542  
WATER DIVISION 1-D

Background

1. On October 10, 2007, Scott S. Thomas filed application A-18542 for a permit to appropriate water.
2. On October 15, 2008, Scott S. Thomas filed map number 17304 showing land proposed to be irrigated under this application.

Order

IT IS HEREBY ORDERED that application A-18542 is APPROVED subject to the following limitations and conditions:

1. The source of water is Thomas Reservoir, constructed under storage appropriation A-18541.
2. The water shall be used for the purpose of irrigation.
3. The priority date is October 10, 2007.
4. Only the land shown on map number 17304 may be irrigated under appropriation A-18542.
5. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 48.0 acre-feet per year.
6. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - a. Notify the Department of any change in ownership or address.
  - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - c. Getting approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

### Deadlines

1. Construction of the diversion works must begin within six months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
2. Construction of the project must be completed by one year past the signing date of this application approval.
3. September 1, 2011, is the date by which the water appropriated under A-18542 must be used as stated in this approval. The appropriation will not be considered perfected until that time.
4. After September 1, 2011, a field investigation will be conducted to determine the amount of water used and acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-18542.

### Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for five consecutive years may result in cancellation of the appropriation.

### DEPARTMENT OF NATURAL RESOURCES

November 24, 2008

/s/  
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed on November \_\_\_\_\_, 2008, to the following:

Scott S. Thomas  
42322 South 176<sup>th</sup> Road  
Liberty, Nebraska 68381